

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVANTS - Irrigation & CAD Department – Allegation of Corruption against Sri B. Durgaiah, Assistant Executive Engineer, NSLBC (O&M), Huzur Nagar Section, Kodad Sub-Division – Trap case- Sanction of Prosecution under the Prevention of Corruption Act, 1988 – Order – Issued.

IRRIGATION & C.A.D. (IW:SERVICES-VI(2) DEPARTMENT

G.O.Ms.No. 43.

Dated 16.04.2012.

ORDER:

Whereas, Sri Balguri Durgaiah, S/o. Saidaiah, joined Govt. Service on 19.11.2007 and worked as Asst. Executive Engineer at NSLBC (O&M), Huzur Nagar Section, Kodad Sub-Division, during the period from 19.11.2007 to 18.12.2010 and by virtue of the post held by him he falls under the category of public servant as defined under Section 2 (c) of the Prevention of Corruption Act, 1988 (Act 49 of 1988).

2. And Whereas, it is alleged that, Sri Ammireddy Bhupal Reddy S/o. Linga Reddy, age 32 years, Occ: Civil Contractor, R/o. Ammireddygudem (V), Kanagal (M), Nalgonda district came to the office of the Deputy Superintendent of Police, Anti-Corruption Bureau, Hyderabad Range, Hyderabad on 16.12.2010 at 17.00 hours and lodged a complaint stating that he was a Civil Contractor and participated in tenders in July, 2010 for the construction of double line Road Bridge across the Mukthiyala Branch Canal near Huzur nagar and he was awarded with the work. An agreement was executed by the Superintending Engineer, NSLBC (O&M), Miryalguda Circle for the said work and completed the construction of bridge in September, 2010. As per the Agreement, the estimated cost of the above work was ₹.42,47,613/-, but due to use of extra material, the total estimation was finalized with additional 2.90% and the total cost comes to ₹. 43,70,790/-. The said work was completed under the supervision of Sri B. Durgaiah, Assistant Executive Engineer, NSLBC (O&M) Division, Huzur Nagar Section and other officials. On completion of work, Sri B. Durgaiah, Assistant Executive Engineer has to write Measurement Book and send it to Sri B. Srinivasa Rao, Executive Engineer, NSLBC, O&M Division, Jaggaiahpet through Deputy Executive Engineer for check measurement. On 05.12.2010, when Sri Ammireddy Bhupal Reddy approached Sri B. Durgaiah, Assistant Executive Engineer at his house for recording the work in the Measurement Book, Sri B. Durgaiah, Assistant Executive Engineer stated that he would record the work in M. Book and also to get it check measured with Sri B. Srinivasa Rao, Executive Engineer, and demanded an amount of Rs.2 lakhs for himself and Rs.1 lakh to Sri B. Srinivasa Rao as bribe. On that, Sri Ammireddy Bhupal Reddy approached Sri B. Srinivasa Rao, Executive Engineer, at Jaggaiahpet and informed him about the demand of bribe amount by Sri B. Durgaiah, Assistant Executive Engineer. Sri B. Srinivasa Rao, Executive Engineer, informed him that, he himself had told Sri B. Durgaiah, Assistant Executive Engineer about the matter and asked him to do as instructed by Sri B. Durgaiah, Assistant Executive Engineer. Again on 16.12.2010 at 11 A.M. when Sri Ammireddy Bhupal Reddy met Sri B. Durgaiah, Assistant Executive Engineer at his house at Kodad and requested him to write the M-Book and to forward it for check measurement. Sri B. Durgaiah, Assistant Executive Engineer once again reiterated his earlier demand for payment of bribe amount of ₹.3 lakhs. When Sri Ammireddy Bhupal Reddy expressed his inability to pay such huge amount as bribe, Sri B. Durgaiah, Assistant Executive Engineer asked Sri Ammireddy Bhupal Reddy to pay ₹.1 lakh for himself and ₹.90,000/- to Sri B. Srinivasa Rao, Executive Engineer at first phase and the remaining amount of ₹. 1 lakh to be paid later after sanction of the bill Sri. B.Durgaiah Assistant Executive Engineer also informed

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Sri. Ammireddy Bhupal Reddy that without payment of bribe amount he would not do the work. On that Sri Ammireddy Bhupal Reddy reluctantly agreed and informed that he would meet him in a couple of days along with the bribe amount. But Sri Ammireddy Bhupal Reddy was not willing to pay the demanded bribe amount to Sri B. Durgaiah, Assistant Executive Engineer and also to Sri B. Srinivasa Rao, Executive Engineer and apprehended that without payment of the bribe amount of ₹.1,90,000/-, they may not attend the work. Hence, Sri Ammireddy Bhupal Reddy requested for taking necessary legal action against Sri B. Durgaiah, Assistant Executive Engineer and Sri Srinivasa Rao, Executive Engineer. The DSP, ACB, Hyderabad Range, Hyderabad after due enquiry registered a Case in Cr.No.32ACB-HR/2010 under section 7 of the Prevention of Corruption Act, 1988 on 18.12.2010 at 09.00 hours and investigated into.

3. And whereas, it is alleged that on the date of trap i.e., on 18.12.2010 Sri Ammireddy Bhupal Reddy after leaving the trap party, proceeded to the Office of the Deputy Executive Engineer by foot, and he entered the Office and found Sri B. Durgaiah, Assistant Executive Engineer was not present in the office. On enquiry, a Clerk of said Office told that Sri B. Durgaiah, Assistant Executive Engineer went to his house located beside the Office. Then Sri Ammireddy Bhupal Reddy went to the house of Sri B. Durgaiah, Assistant Executive Engineer and found him present in the office room of the house. When Sri Ammireddy Bhupal Reddy paid compliments, Sri B. Durgaiah, Assistant Executive Engineer asked him to sit on a chair and enquired Sri Ammireddy Bhupal Reddy whether the demanded bribe was brought. On the affirmative reply of Sri Ammireddy Bhupal Reddy, Sri B. Durgaiah, Assistant Executive Engineer asked him to pay the same. Then Sri Ammireddy Bhupal Reddy removed two bundles of ₹.1,90,000/- from his right side Pant pocket and offered to Sri B. Durgaiah, Assistant Executive Engineer, who received the said amount with his right hand and then opened the table draw, put the amount in it and then closed and locked the draw with the key. When Sri Ammireddy Bhupal Reddy asked Sri B. Durgaiah, Assistant Executive Engineer about the preparation of Measurement Book, Sri B. Durgaiah, Assistant Executive Engineer informed him that it was under process. Then Sri B. Durgaiah, Assistant Executive Engineer contacted Sri B. Srinivasa Rao, Executive Engineer, over Cell Phone and informed about the receipt of bribe amount from Sri Ammireddy Bhupal Reddy. Then Sri B. Durgaiah, Assistant Executive Engineer informed Sri Ammireddy Bhupal Reddy that he would complete the recording of M. Book as early as possible. Then, Sri Ammireddy Bhupal Reddy came out of the house and gave the prearranged signal to the Trap Party. The Phenolphthalein test conducted over the fingers of right hand of Sri B. Durgaiah, Assistant Executive Engineer, the key which was found inserted into the lock of the table draw and the portion of paper on which tainted amount was found inside the table draw, yielded positive results. At the instance of Sri B. Durgaiah, Assistant Executive Engineer, the tainted currency of ₹.1,90,000/- was recovered from the table draw (right side) at the office room in the house of Sri B. Durgaiah, Assistant Executive Engineer in the presence of Mediators.

4. And whereas, the above said acts of the said Sri B. Durgaiah, Assistant Executive Engineer, NSLBC, O&M Division, Huzur nagar Section constitute the Offences punishable under section 7 & clause (d) of sub section (1) of section 13 read with sub section (2) of section 13 of the Prevention of Corruption Act, 1988 and Section 34 of the Indian Penal Code.

5. And whereas, the Government of Andhra Pradesh being the competent authority to remove the said Sri B. Durgaiah, Assistant Executive Engineer, NSLBC, O&M Division, Huzur nagar Section, from Service after fully and carefully examining the material i.e., First Information Report, Pre and Post-trap Proceedings, Statement of witness etc., placed before them in respect of the

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above said allegations and having regard to the facts and circumstances of the case, consider that Sri B. Durgaiah, Assistant Executive Engineer should be prosecuted in a court of law for the aforesaid offences.

6. Now therefore, in exercise of the powers conferred under clause (b) of sub section (1) of section 19 of the Prevention of Corruption Act-1988, (Act 49 of 1988) and Section 197 of the Criminal Procedure Code, the Government of Andhra Pradesh hereby accord sanction for the prosecution of the above said Sri B. Durgaiah, Assistant Executive Engineer, NSLBC, O&M Division, Huzur nagar Section for the above said offences punishable under section 7 & clause (d) of sub section (1) of section 13 read with sub section (2) of section 13 of the Prevention of Corruption Act-1988 and Section 34 of the Indian Penal Code and for any other cognate offences punishable under any other provisions of law for the time being in force in respect of the abovesaid allegations and for taking cognizance of the said offences by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(SHAIENDRA KUMAR JOSHI)
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General,
Anti-Corruption Bureau,
Andhra Pradesh, Hyderabad.
Copy to:
The Law (B) Department.